



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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ALHAMBRA, CALIFORNIA 91803-1331
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GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

August 30, 2011

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

32 August 30, 2011

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**DEPARTMENT OF PUBLIC WORKS:
QUARTZ HILL DRAIN AND 50TH STREET WEST PROJECT
CITY OF LANCASTER AND UNINCORPORATED
COMMUNITY OF QUARTZ HILL
CATEGORICAL EXEMPTION
ADOPT, ADVERTISE, AND AWARD
SPECS. 7169
(SUPERVISORIAL DISTRICT 5)
(3 VOTES)**

SUBJECT

The recommended actions will find the project exempt from the California Environmental Quality Act (CEQA), adopt plans and specifications, allow advertising for construction bids, and delegate authority to the Director of Public Works (Director) or her designee to award the construction contract for the Quartz Hill Drain and 50th Street West project located in the City of Lancaster and Unincorporated Community of Quartz Hill.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that this project is exempt from the provisions of the California Environmental Quality Act for the reasons stated in this letter and in the record of the project.
2. Approve the project and adopt plans and specifications that are on file in the Architectural Engineering Division of the Department of Public Works for construction of the Quartz Hill Drain and 50th Street West project at an estimated construction contract cost between \$10,000,000 and \$14,000,000.

3. Instruct the Executive Officer of your Board to advertise for bids to be received and opened on September 27, 2011, in accordance with the Instruction Sheet for Publishing Legal Advertisements.
4. Authorize the Director of Public Works or her designee to execute a consultant services agreement with the apparent responsible contractor with the lowest responsive bid to prepare a baseline construction schedule and a storm water pollution prevention plan for a \$10,000 not-to-exceed fee funded by the existing project funds.
5. Contingent on the apparent responsible contractor with the lowest responsive bid preparing a baseline construction schedule and a storm water pollution prevention plan that are acceptable to the Director of Public Works or her designee, authorize the Director of Public Works or her designee to award and execute a construction contract with the apparent responsible contractor with the lowest responsive bid so long as the bid amount does not exceed \$14,000,000; to approve the Faithful Performance and Labor and Material Bonds and insurance submitted by the contractor; and to take all other actions necessary and appropriate to fully deliver this project.
6. Authorize the Director of Public Works or her designee to award and execute a contract for this project if the bid of the apparent responsible contractor with lowest responsive bid exceeds the estimated cost range, if additional and appropriate funds have been identified.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is for the Board to find that the project is exempt from CEQA, adopt the plans and specifications, authorize the advertising of construction bids, and authorize the Director to award a consultant services agreement for preparation of a baseline construction schedule, a storm water pollution prevention plan, and a construction contract for the Quartz Hill Drain and 50th Street West project.

Adopting the plans and specifications and advertising for bids, and delegating to the Director of Public Works the authority to award, execute, and implement a consultant services agreement for preparation of a baseline construction schedule and storm water pollution prevention plan, and to award and execute a construction contract will allow an accelerated process for delivery of the project.

The proposed project includes a new underground storm drain pipe along 50th Street West between Avenue K and Avenue M-8, and roadway reconstruction and resurfacing along 50th Street West between Avenue K and Avenue N in the unincorporated Community of Quartz Hill. The recommended action is necessary to keep this project on an expedited schedule for construction.

The proposed consultant services agreement with the apparent responsible contractor with the lowest responsive bid to prepare a baseline construction schedule and a storm water pollution prevention plan that conforms to the County of Los Angeles' (County) specifications is critical to successfully manage construction activities by both the contractor and the County. The apparent responsible contractor must be able to produce these deliverables. Bid specifications provide that if the contractor fails to complete acceptable deliverables, Public Works may return to your Board to recommend that the contractor be determined nonresponsive and recommend awarding the construction contract to the next lowest responsive and responsible bidder, contingent on the bidder completing deliverables that conform to the County's specifications.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1) and Community and Municipal Services (Goal 3). The recommended actions will help meet these goals by accelerating the delivery of this project to benefit the community and traveling public and improve their quality of life.

FISCAL IMPACT/FINANCING

The estimated construction contract cost to complete this project is in the range of between \$10,000,000 and \$14,000,000.

There will be no impact to the County General Fund. The total project cost is estimated to be \$18,300,000, of which \$12,456,000 will be financed with \$456,000 from the Antelope Valley Drainage Fee District Fund, \$12,000,000 from Fifth Supervisorial District General Funds, and \$5,844,000 from the Fifth Supervisorial District's Road Construction Program funds in the Fiscal Year 2011-12 Road Fund and Proposition C Local Return Fund Budgets. Funding for the construction of the storm drain is included in the Fiscal Year 2011-12 Road Fund Budget, which will be reimbursed with funds from the Fiscal Year 2011-12 Antelope Valley Drainage Fee District Fund and Public Works General Fund Budgets. When the need arises for road improvement services under this contract, financing for the required services will be made from the appropriate fund.

A small portion of the storm drain improvements is in the City of Lancaster (City). The proposed improvements within the City are worthwhile and of general County interest, therefore, the work will be done at no cost to the City.

The annual maintenance cost of the storm drain is estimated to be \$25,000. Commencing in Fiscal Year 2012-13, sufficient appropriation will be included in each year's annual Special Road District No. 5 Fund Budget to finance the ongoing maintenance cost.

In addition to the construction contract cost, the total project cost includes the cost of plans, specifications, consultant services, survey, material testing, inspection, contract administration, change order contingency, and other County services.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The contract agreement will be in the form previously reviewed and approved as to form by County Counsel.

The award of the contract will not result in unauthorized disclosure of confidential information and will be in full compliance with Federal, State, and County regulations. The contract will contain terms and conditions supporting your Board's ordinances and policies, including, but not limited to Los Angeles County Code Chapter 2.200, Child Support Compliance Program; Los Angeles County Code Chapter 2.202, Contractor Responsibility and Debarment; Los Angeles County Code Chapter 2.203, Contractor Employee Jury Service Program; Los Angeles County Code Chapter 2.206, Defaulted Property Tax Reduction Program; Board Policy 5.050, Los Angeles County's Greater Avenues for Independence and General Relief Opportunities (GAIN/GROW); Board Policy 5.060, Reporting of Improper Solicitations; Board Policy 5.110, Contract Language to Assist in Placement of

Displaced County Workers; and Board Policy 5.135, Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law).

Applicable law, including the State Public Contract Code, requires the County to award a construction contract to the apparent lowest responsive and responsible bidder, which refers to the firm that: (1) submits the lowest-price bid; (2) is deemed by the County to be "responsive" to specific criteria under the solicitation, including, but not limited to, licensure, bonding, and insurance requirements; and (3) is determined by the County to have demonstrated the quality, fitness, capacity experience, and trustworthiness to satisfactorily perform the work required under the bid solicitation.

To ensure that the contract is awarded to the lowest responsive and responsible bidder with a satisfactory history of performance, bidders are required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the contractors State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy 5.140, the information reported by the contractor will be considered before making a recommendation to award.

As required by your Board, language has been incorporated into the project specifications stating that the contractor shall notify its employees, and shall require each subcontractor to notify its employees that they may be eligible for the Federal Earned Income Credit under the Federal income tax law (Federal Income Tax Law, Internal Revenue Service Notice 1015).

In order to expedite construction of the project, it is recommended that your Board authorize the Director to award and execute a construction contract to the lowest responsive and responsible bidder if the low bid can be awarded within the total project budget approved by your Board.

The proposed consultant services agreement requires the apparent lowest responsive and responsible bidder to prepare a baseline construction schedule that conforms to the County's schedule specification, which is critical to successfully manage construction activities by both the contractor and the County. Bid specifications provide that if the apparent lowest responsive and responsible bidder fails to complete an acceptable construction schedule, the Director may return to your Board to recommend that the bidder be determined nonresponsive and recommend awarding the construction contract to the next apparent lowest responsive and responsible bidder, contingent on that bidder completing a baseline schedule that conforms to the County's specifications.

The portion of the project within the City will be constructed under an encroachment permit issued by the City.

This project will be advertised in accordance with Section 20392 of the State Public Contract Code.

The plans and specifications will include the contractual provisions, methods, and material requirements necessary for this project and will be on file with Public Works.

Pursuant to your Board's Civic Art Policy as revised on November 5, 2008, the project cost does not include an allocation for the Civic Art Fund because the proposed project is exempt as it is a flood control facility improvement.

ENVIRONMENTAL DOCUMENTATION

This project is categorically exempt pursuant to Section 15301 (c) and (d) of the CEQA Guidelines, and Class 1(x), Subsections (2), (4), (14), and (18), and Class 3(q), of the County Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987. These exemptions provide for the resurfacing of roadway pavement; modifying traffic signal systems; reconstruction of roadway pavement, curb and gutter, sidewalk, and driveways; and the construction of storm drains.

CONTRACTING PROCESS

A standard contract, in the form previously approved by County Counsel, will be used. The standard Board-directed clauses that provide for contract termination, renegotiation, and hiring qualified displaced County employees will be included in the contract.

Advertising for bids will be in accordance with the County's standard Instruction Sheet for Publishing Legal Advertisements.

As requested by your Board on February 3, 1998, this contract opportunity will be listed on the Doing Business with Us website.

The contract requires the contractor to pay its employees applicable prevailing wages in accordance with the California Labor Code.

Participation by Community Business Enterprises (CBE) in the project is encouraged through Public Works' Capital Projects' CBE Outreach Program and by monitoring the good faith efforts of bidders to utilize CBE.

This project will be contracted on an open-competitive bid basis. A recommendation for award by the Director or her designee will be made after review of the bids meeting the criteria established by your Board and the State Public Contract Code. The contract will be awarded to the apparent responsible contractor with the lowest responsive bid meeting the criteria established by your Board and the State Public Contract Code.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

When the project is completed, it will have a positive impact by providing improved storm drainage and highway facilities for the traveling public.

CONCLUSION

Please return one adopted copy of this letter to the Department of Public Works, Project Management Division II.

The Honorable Board of Supervisors

8/30/2011

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Respectfully submitted,

A handwritten signature in black ink that reads "Gail Farber". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

GAIL FARBER

Director

GF:JFK:bb

c: Executive Office, Board of Supervisors
Auditor Controller
Chief Executive Office
Civic Arts Commission
County Counsel
Department of Human Resources
Department of Public Social Services
(GAIN/GROW Program)